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FROM : Amembassy MEXICO, D. F. RS/AN
ANALYSIS BRANCH DATE: 22 February 1972
SUBJECT : Mexico's Law of the Sea Position Explained
REF : Mexico's 0831 ARA

1. Foreign Secretariat Director General for International Organization Affairs, Manuel Tello Macias, granted an apparently exclusive interview to El Dia journalist Ivan Rivero which was published in the paper's February 17 edition.

2. The essence of Tello's reported remarks setting forth the GOM position on the Law of the Sea was as follows:

a. One of the most urgent matters is determination of territorial seas, about which there exists no acceptable regulation. This has given rise to territorial seas being fixed at distances from 3 to 200 miles.

b. Mexico maintains its constitutionally fixed position of a 12-mile territorial sea which Tello considers to be the most acceptable limit throughout the international community.

c. In addition to the question of territorial waters, there are problems concerning the continental shelf and the need to recognize preferential or exclusive fishing rights. In order to provide for such

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special rights, it will be necessary to modify existing international conventions, specifically the Geneva Convention of 1958.

d. The 200 meter depth established in the 1958 Geneva Convention has been superseded by technical advances. Accordingly, a new definition of the continental shelf is necessary. Inferentially such new definition should combine depth and distance parameters.

e. It is necessary to modify the Convention on the High Seas (Convention on Fishing and Conservation of the Living Resources of the High Seas) relative to the establishment by riparian states of exclusive or preferential fishing zones beyond their territorial seas. Any modification to that Convention should take into consideration the fact that no state can exercise any type of jurisdiction on the high seas; freedom of navigation, fishing and laying of submarine cables would be guaranteed.

f. Tello referred to Chilean jurist Edmundo Vargas Carreno's thesis of patrimonial seas as a means of reconciling the existing conflict between territorial seas and high seas. According to Tello's interpretation of Vargas' thesis, the patrimonial sea would extend (an unspecified distance) beyond territorial seas. In this zone only the exploitation of resources, including fishing, would be restricted.

g. Finally, as reported in reftel, Tello stated that the planned Caribbean Law of the Sea Conference to be held in Santo Domingo cannot arrive at practical results if the United States, Guyana and Cuba do not participate.


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